



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

BARRIER FREE DESIGN BOARD

Ottawa Building, Upper Level Conference Room #2
611 West Ottawa Street
Lansing, Michigan 48933

MINUTES

January 12, 2017

9:30 a.m.

MEMBERS PRESENT

Mr. Jason Turkish, Chairperson
Mr. Vincent DeLeonardis
Mr. Ronald Campbell
Mr. Michael Harris
Mr. Chris MacKay
Mr. Greg Pollock

MEMBERS ABSENT

Mr. Jamie Spore
Mr. Mike Winkler
Mr. Aaron Besmer

DEPARTMENT PERSONNEL ATTENDING

Mr. Keith Lambert, Director, BCC
Ms. LeeAnn Allaire, Manager, Administrative Services Division, BCC
Ms. Lakisha Thomas, Word Processing Assistant, Administrative Services Division, BCC
Ms. Marnie Wills, Deputy Director, Policy & Legislative Affairs Office, LARA

OTHERS IN ATTENDANCE

Mr. Bill Denner, Assistant Attorney General
Mr. Oliver Turner, City of Sault Ste. Marie
Ms. Jennifer Rigterink, MML
Mr. Paul Palmer, Michigan Developmental Disabilities Council Chair

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairperson Turkish called the meeting to order at 10:37 a.m. A quorum was present at that time.

2. APPROVAL OF AGENDA

A **MOTION** was made by Board Member Harris and **SECONDED** by Board Member MacKay to remove exception application 111873 and move the Bureau Director's Report after Item #3 Approval of Minutes on the agenda. Agenda approved as amended. **MOTION CARRIED.**

Providing for Michigan's Safety in the Built Environment

3. APPROVAL OF MINUTES

A **MOTION** was made by Board Member Harris and **SECONDED** by Board Member MacKay to approve the minutes for the December 20, 2016 meeting. **MOTION CARRIED.**

4. BUREAU DIRECTOR'S REPORT

Mr. Lambert provided information on the following:

- A. The Health Facilities Evaluation Section from the Bureau of Community and Health Systems will be joining the Bureau of Construction Codes effective January 30, 2017.
- B. 2016 PA 407, Skilled Trades Regulation Act takes effect on April 4, 2017.
- C. Code updates:
 - i. The 2015 Michigan Building Code takes effect on April 20, 2017.
 - ii. The 2015 Michigan Plumbing Code takes effect on April 20, 2017.
 - iii. The 2015 Michigan Mechanical Code takes effect on April 12, 2017.
 - iv. The 2015 Michigan Rehabilitation Code became effective immediately on December 13, 2016.
 - v. The 2015 Michigan Energy Code is expected to be in effect early this summer.
- D. Complaints of noncompliance process and barrier free design exception request process.
- E. The Bureau may provide a future presentation for barrier free design basics per public request in which the Board's assistance is requested.
- F. The Department may develop new legislation to better clarify roles of local agencies and the Board concerning barrier free design requirements.

5. EXCEPTION APPLICATIONS

Mr. Lambert explained that Case No. 111866, Regency Square Apartments located in Kalamazoo, exception application request is being re-presented for reconsideration to the Board with the original Report of the Administrative Law Judge to include additional comments submitted after judgement.

Following review and discussion, a **MOTION** was made by Chairperson Turkish and **SECONDED** by Board Member Harris to affirm the Administrative Law Judge's decision in part denying the exception request for relief from Section 3411.2 of the 2012 Michigan Building Code. However, modify it in part to indicate that compliance must be achieved within 8 weeks of receipt of a copy of the Board's order. The receipt

shall be assumed in 5 days from the date identified on the order. The applicant shall certify compliance in writing to the Bureau by providing a copy of an approved inspection following the repairs evidencing a working elevator and that staff will place a copy of that notice in the May 18, 2017 board meeting packet or place on the agenda such notice was not provided by the applicant and the board can take further action as deemed appropriate at that time. **MOTION CARRIED.**

6. NEW BUSINESS

Board Member Pollock inquired if filing an exception application is considered a stay or is the applicant expected to comply up until the exception requested has been granted and if a timeframe should be in place for the processing of such requests.

Following discussion, a **MOTION** was made by Board Member Campbell and **SECONDED** by Board Member MacKay requesting the Attorney General's office to investigate and review procedures relevant to the stay and using this Board to avoid compliance. If counsel finds there is not a stay, what is the Board's authority for rules promulgation regarding the matter. **MOTION CARRIED.**

7. UNFINISHED BUSINESS

None

8. PUBLIC COMMENT

Mr. Oliver Turner, City of Sault Ste. Marie, expressed appreciation for jurisdiction clarification for granting barrier free design exception requests.

Mr. Steve Lomske's written public comment was provided to the Board in lieu of in person.

Mr. Paul Palmer, Chair of the Michigan Developmental Disabilities Council, introduced himself.

9. 2017 MEETING DATES

The Board is scheduled to meet at 9:30 a.m. at 611 W. Ottawa, Lansing, MI 48933 in Upper Level Conference Room 2 on March 16, 2017, May 18, 2017, July 20, 2017, September 14, 2017 and November 16, 2017.

10. ADJOURNMENT

A **MOTION** was made by Board Member DeLeonardis and **SECONDED** by Board Member Harris to adjourn the meeting at 12:11 p.m. **MOTION CARRIED.**